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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON  
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8 JAMES BRIMMAGE,

9 Plaintiff,

10 v.

11 BANK OF AMERICA, N.A., a National  
12 Association, and JOHN DOES 1-10,  
13 Defendants.  
14

NO. 2:17-cv-00226-SAB

**ORDER GRANTING PARTIES'  
STIPULATED MOTION TO  
REMAND**

15 Before the Court is the Parties' Stipulated Motion For Order to Remand,  
16 ECF No. 7. Plaintiff filed this action on May 15, 2017 in Stevens County Superior  
17 Court alleging that Defendant improperly recorded a lien on Plaintiff's property.  
18 ECF No. 1-1. For the purposes of the present motion, Defendant stipulates that it  
19 was provided with proof of mail service of the Complaint on May 16, 2017. ECF  
20 No. 7. Defendant filed a Notice of Removal on June 19, 2017 pursuant to 28  
21 U.S.C. § 1332, ECF No. 1, and the parties' stipulated motion to remand was filed  
22 on July 20, 2017. ECF No. 7.

23 Under 28 U.S.C. § 1446(b), a notice of removal of a civil action must be  
24 filed within thirty days of receipt by the defendant, through service or otherwise,  
25 of a copy of the initial pleading setting forth the claim for relief. A timely motion  
26 to remand based on a non-jurisdictional defect must be made within thirty days of  
27 the filing of the notice of removal. 28 U.S.C. § 1447(c). Here, Defendant's Notice  
28 of Removal was filed more than thirty days after Defendant was served with the

1 Complaint, making it untimely. Because the parties' stipulated motion to remand  
2 based on this procedural defect was made within thirty days of the filing of the  
3 notice of removal, the Court grants the parties' motion and remands this case to  
4 Stevens County Superior Court.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. The Parties' Stipulated Motion to Remand, ECF No. 7, is **GRANTED**.

7 2. The District Court Executive is directed to remand this action to the  
8 Stevens County Superior Court.

9 3. All deadlines are **VACATED** and any pending motions are **DENIED as**  
10 **moot**.

11 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
12 file this Order and provide copies to counsel.

13 **DATED** this 1st day of August, 2017.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive style and is positioned above a horizontal line.

19 Stanley A. Bastian  
20 United States District Judge  
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